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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,759	02/08/2002	Leo Lunden	1503 - 133P	8586

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EXAMINER

SMITH, DUANE

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 05/21/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,759

Applicant(s)

LUNDEN ET AL.

Examiner

Duane S. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

The abstract of the disclosure is objected to because the last line "(Fig. 1)" should be deleted.. Correction is required. See MPEP § 608.01(b).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. **Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading.** If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The disclosure is objected to because of the following informalities: reference to claim 1 on page 1 line 5 is improper as the contents of the claim can and does change during the course of prosecution.

Appropriate correction is required.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

"8" as in Figs. 2-3.

"4", "5", "12" as in Fig. 2.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

It is suggested that the reference to the elements of the figures be deleted in claims 1-13, while reference to element numbers of the figures are allowed, the claims must be able to stand independent of the figures. That is the figures must not be relied upon to provide nexus to the claimed elements.

It is suggested that in claim 1 "particularly air" be deleted or otherwise amended to insure clarity. For examination purposes the phrase has not been given patentable weight.

In claim 2 the phrases beginning "most advantageously" and "e.g." should be deleted or otherwise amended. For examination purposes, the phrases "most

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advantageously" and "e.g., in a white water or stock container" have not been given patentable weight.

In claims 2-3, 5 "air" is being interpreted as a gas for examination purposes as claim 1 is unclear if gas or air is separated.

In claim 7 "such as" should be deleted or otherwise amended. For examination purposes "such as undulated plate" has not been given patentable weight.

Claims 8-13 should be written in positive process language as series of steps and not in narrative functional format.

In claim 8 "particularly free from air" should be deleted or otherwise amended. For examination purposes, the phrase has not been given patentable weight.

In claim 9 "most advantageously" and "e.g." should be deleted or otherwise amended. For examination purposes, the phrases " have not been given patentable weight.

In claims 9-12 "air" is being interpreted as a gas for examination purposes as claim 9 is unclear if gas or air is separated.

In claims 12-13 the dependency should be changed, claims 12-13 depend upon claim 7 which is an apparatus claim while claims 12-13 are method claims and it appears should depend upon claim 8. For examination purposes claims 12-13 has been interpreted as being dependent upon claim 8-9 or 8-10 respectively.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2,5,6,7, 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by anyone of Wery(US Patent No. 2,336,430), Andrews(US Patent No. 5,931,990), and Brugger(US Patent No. 5,674,199).

Wery teaches a degassing apparatus including inlet pipe(29) and an adjustable(col. 2 lines 15-20) liquid flow guide(44) mounted on support rods(45). Andrews teaches a degassing apparatus including an inlet pipe(12) and a flat deflector(20). Brugger teaches a degassing apparatus including an inlet pipe(44) and concave shaped flow guide(118) mounted on arms(114).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caris et al (US Patent No. 5,039,425) taken together with Wery(US Patent No. 2,336,430).

Caris et al disclose a degassing apparatus including an inlet pipe, partition(38) having an underflow and an overflow weir(40). Caris et al does not disclose a flow guide. However, Wery does disclose such a flow guide(44), supra. It would have been obvious to one of ordinary skill in the art to include a flow guide in the degassing

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apparatus of Caris et al in order to efficiently separate entrained gas from a liquid by enhancing turbulence as suggested by Wery(col. 1 lines 5-10) .

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kieser, Duram, and Murdock Sr disclose similar degassing apparatus and methods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duane S. Smith whose telephone number is 703-308-3792. The examiner can normally be reached on 8:30-6:00 M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dunn can be reached on 703-308-3318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7718 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

Duane S. Smith
Primary Examiner
Art Unit 1724

DSS
5-19-03

dss
May 19, 2003